

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 12 and 19 have been amended. Claims 12 and 15-19 are pending for further examination.

Claims 12, 15 and 19 have been rejected under 35 USC 103(a) as being obvious over Martin in view of Johnny Rockets. Applicant respectfully submits that the amended claims herein are not rendered obvious by the cited references. Thus, reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner has conceded that Martin does not disclose, *inter alia*, the features of dynamically generating the musical recording for the game from the customized library of musical recordings and dynamically generating the question for the game based on the contents of the customized library of musical recordings. The Examiner asserts, however, that Johnny rockets makes up for this deficiency in the teachings of Martin and renders the invention obvious when combined with Martin.

In response, Applicant respectfully points out that there is no teaching or suggestion, and the Examiner has not identified any teaching or suggestion, in Johnny Rockets of the features of dynamically generating the musical recording for the game from the customized library of musical recordings and dynamically generating the question for the game based on the contents of the customized library of musical recordings. Thus, the cited references fail to establish a *prima facie* case of obviousness for rejected claims.

Moreover, Applicant has amended the claims herein to more clearly define this feature in both claims 12 and 19. Specifically, the claims have been amended to make clear that the questions are dynamically generated base on the current contents of the customized library of musical selections. In other words, the jukebox (or terminal) may include different musical selections at any given time as a result of, for example, the customization that occurs through communication with the server. Thus, the jukebox (or terminal) is operable to dynamically generate the question for the game using the current music on the jukebox at the time the game is played. This feature is not taught or suggested by any of the references of record. Thus, withdrawal of this rejection is respectfully requested.

In view of the foregoing amendments and remarks, all of the pending claims are believed to clearly and patentably distinguish the prior art of record. Thus, withdrawal of the rejections and passage of this case to issuance at an early date are earnestly solicited.

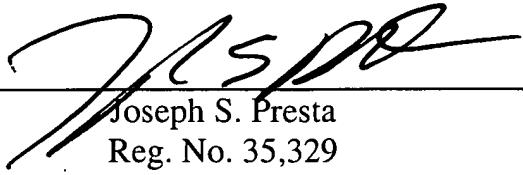
NATHAN et al.
Appl. No. 09/688,698
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Should the Examiner have any questions or deem that any further issues need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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